

FILED

9/10/2014

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

FILED

AUG 28 2014
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CLERK, U.S. DISTRICT COURT

ULYSSES SCOTT

Plaintiff(s),

C.P.D. vs.
L. ALTAMIRANO #2722
BO CHINCHILLA #9445

Defendant(s).

14CV6657
JUDGE KOCORAS
MAG. JUDGE SCHENKIER

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
3. Plaintiff's full name is ULYSSES D. SCOTT

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

4. Defendant, L. ALTAMIRANO #2722, is
(name, badge number if known)

☒ an officer or official employed by CHICAGO POLICE DEPARTMENT;
(department or agency of government)
_____ or

☐ an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is Chicago, Illinois. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about 02/01/2012, at approximately 18:19 ☐ a.m. ☒ p.m.
(month, day, year)
plaintiff was present in the municipality (or unincorporated area) of 1222
N. LARAMIE, in the County of COOK,
State of Illinois, at WESTSIDE OF CHICAGO,
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows (*Place X in each box that applies*):

- ☒ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- ☒ searched plaintiff or his property without a warrant and without reasonable cause;
- ☒ used excessive force upon plaintiff;
- ☐ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- ☐ failed to provide plaintiff with needed medical care;
- ☒ conspired together to violate one or more of plaintiff's civil rights;
- ☒ Other:
STRIPPED SEARCHED, STOLE PERSONAL ITEMS
OFF PERSON

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (*Leave blank if no custom or policy is alleged*): SEE:

735 ILCS 5/13-202

formerly cited as ILSTCH 110 13-202

5/13-202 Personal Injury

8. Plaintiff was charged with one or more crimes, specifically: CLASS 1 - TYPE F
HEROIN
720 ILCS 570.0/402-A-1-B (PCS-POSSESS 100-400g)
8-20-040 FIREARM CLASS L -
720 ILCS 570.0/402-C (PCS-POSSESSION - POSS
AMT CON SUB EXCEPT (A)(D)
CLASS 4 - TYPE F)

9. (*Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other"*) The criminal proceedings

☐ are still pending.

☒ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.¹

☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows _____

☒ Other: "NOT Guilty"

¹Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

10. Plaintiff further alleges as follows: *(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)*

SEE ATTACHMENT

11. Defendant acted knowingly, intentionally, willfully and maliciously. *yes*

12. As a result of defendant's conduct, plaintiff was injured as follows:

EMOTIONAL PAIN & Suffering

13. Plaintiff asks that the case be tried by a jury. ☒ Yes ☐ No

Complaint for Question #10

I was pulled over while driving, curbed then searched and arrested by four officers on February 01, 2012. During this time I was detained, removed from my vehicle, while it was illegally searched without my permission, the arresting officer used excessive force to remove me from my vehicle, handcuffed, and relocated me to my place of business. At this time my 2009 Jeep Grand Cherokee SRT8 was taken and impounded at my expense.

Once relocated to my place of business, I observed Officer L. Altamirano star #2722, Officer B.O. Chinchilla star #9445 and several other officers destroy and take retail goods, furniture, fixtures, televisions, computers, cut holes in the walls, remove store video surveillance equipment, damaged door locks and various other property, which left my business in an inoperable state.

I was kept in the backseat of a police car and later driven to the police station without cause and or explanation. Upon my arrival I was robbed, humiliated as I was stripped and cavity searched - forced to bend over in the nude, threatened, pushed and berated while in police custody.

I was falsely imprisoned for 16 days and required a "source bond" of \$5500.00 in order to be released. In the course of this entire ordeal I battled with malicious prosecution from the state of Illinois for 2 years 6 months and 25 days at my expense of \$30,000, which left me financially broke. The Police unlawfully searched me and my car, planted evidence, covered up facts and destroyed evidence in this "sham investigation" in an effort to intentionally incarcerate me.

During this time I was not able to provide adequate care for myself or my daughter, I was not able to acquire a job because of pending prosecution, I lost my business, potential wages, my vehicle, personal property, living arrangements, suffered mental anguish, insomnia, anxiety attacks, my accounts were frozen due to non-payment of child support, not to mention tallied an enormous amount of debt. I became homeless and impoverished. I lost what I knew the enjoyment of life to be, all as a direct result of the actions of the police - C.P.D. - Officer L. Altamirano star #2722 and Officer B.O. Chinchilla star #9445.

At the end of this all I maintained my innocence, and on June 25, 2014, I was found NOT GUILTY on all charges - directed verdict. I am seeking relief in the amount of \$500,000.

DIRECTED VERDICT

A ruling entered by a trial judge after determining that there is no legally sufficient evidentiary basis for a reasonable jury to reach a different conclusion. The trial court may grant a directed verdict either sua sponte or upon a motion by either party. A directed verdict may be granted at any time, but usually occurs after at least one party has been fully heard.

Motions for a directed verdict are governed by: Rule 50 of the Federal Rules of Civil Procedure, and Rule 29 of the Federal Rules of Criminal Procedure.

For a discussion of directed verdicts in the context of criminal litigation: See Carlisle v. United States, 517 US 416 (1996).

14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

WHEREFORE, plaintiff asks for the following relief:

- (A.) Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;
- B. ☒ (Place X in box if you are seeking punitive damages.) Punitive damages against the individual defendant; and
- C. Such injunctive, declaratory, or other relief as may be appropriate, including

attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: Ulysses Scott

Plaintiff's name (print clearly or type): ULYSSES SCOTT

Plaintiff's mailing address: 7301 N. Sheridan

City Chicago State IL ZIP 60626

Plaintiff's telephone number: (708) 738-3590

Plaintiff's email address (if you prefer to be contacted by email): ucount74@yahoo.com

15. Plaintiff has previously filed a case in this district. ☐ Yes ☒ No

If yes, please list the cases below.

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.